United Nations A/HRC/32/34/Add.1

General Assembly

Distr.: General
4 April 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the independence of judges and lawyers

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the independence of judges and lawyers, on her mission to Guinea-Bissau from 10 to 16 October 2015. In almost every meeting she held, the justice system was described as sad and terrible. In this report, she describes her findings, which are daunting. Yet, she concludes that Guinea-Bissau can count on a generation of qualified professionals who are willing and able to work hard to improve the justice system if given the opportunity to do so.

The Special Rapporteur makes a series of recommendations, which, given the current economic and development situation of the country, can be implemented only with the close and continued technical and financial support of international donors and the United Nations.

GE.16-05389(E)

Please recycle

Report of the Special Rapporteur on the independence of judges and lawyers on her mission to Guinea-Bissau*

Contents

		Page
I.	Introduction	3
II.	Historical and political context	3
III.	Justice system	4
	A. Constitutional provisions	4
	B. Legal framework	5
	C. Court structure	5
IV.	Challenges to the independence and impartiality of the judiciary and the proper administration of justice	7
	A. Legislative challenges	7
	B. Independence and impartiality of the judiciary	8
	C. Financial and material resources	9
	D. Prosecutorial services	9
	E. Lawyers	11
	F. Fair trial and due process guarantees	12
	G. Military justice	12
	H. Impunity	13
	I. Access to justice	14
	J. Informal justice systems	15
	K. Legal education, training and capacity-building	16
V.	Conclusions	17
VI.	Recommendations	18

* Circulated in the language of submission only.

I. Introduction

1. The Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, visited Guinea-Bissau from 10 to 16 October 2015, at the invitation of the State's authorities, to examine and analyse the achievements and challenges of the country in ensuring the independence of judges, prosecutors and lawyers and a fair and competent administration of justice.

2. In Bissau, the Special Rapporteur held meetings with the President of the Republic; the Prime Minister; the Minister of Justice; the President and judges of the Supreme Court of Justice; the Attorney General; the President, judges and prosecutors of the Superior Military Tribunal; the director of the National Judicial Training Centre; members of the National Popular Assembly; and the chief of the judicial police. She also held meetings with members of the Guinea-Bissau bar association; lawyers; members of associations of prosecutors and jurists; the dean and professors of the faculty of law in Bissau; non-governmental organizations; the Special Representative of the Secretary-General for Guinea-Bissau and representatives of the United Nations and its agencies; and other stakeholders. The Special Rapporteur also travelled to Bafatá, where she met with the Governor, judges and prosecutors from the regional tribunal, the director of the Centre for Access to Justice of Bafatá, human rights defenders and traditional leaders.

3. The Special Rapporteur wishes to reiterate her gratitude to the authorities of Guinea-Bissau for their invitation and engagement with her mandate. She also warmly thanks the human rights section of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) for its dedicated support in organizing the visit, and all those who dedicated their time to sharing their expertise and opinions with her.

II. Historical and political context

4. Guinea-Bissau is a former Portuguese colony with a registered population of 1.7 million. The country is divided into nine administrative regions: Bissau Autonomous Sector, Biombo, Cacheu, Oio, Bafatá, Gabú, Quínara and Tombali on the mainland, and Bolama-Bijagós, an archipelago of 88 islands, 20 of which are inhabited.

5. The struggle for self-determination and decolonization was led by the African Party for the Independence of Guinea and Cape Verde (PAIGC). Guinea-Bissau declared its independence on 24 September 1973. A revolutionary council governed the country until 1984. The first step towards the transition to a multiparty parliamentary system was taken on 5 May 1991 with the abolition of article 4 of the Constitution that stated PAIGC was the only political party in the country. PAIGC has nevertheless dominated the political scene and ruled the country since then. Political instability has become the main feature of Guinea-Bissau, with recurrent military and political coups d'état, political assassinations and persecutions, and a year-long civil war between 1998 and 1999. No president has served a full five-year term and no Government has completed its four-year mandate. Moreover, a substantial part of the economic and social infrastructure was left in ruins.[1]

6. The most recent coup d'état took place on 12 April 2012. Constitutional order was restored when general and presidential elections were held on 13 April 2014; a presidential run-off took place on 18 May 2014. The Parliament was inaugurated on 17 June 2014, with

[1] Guinea-Bissau is ranked at the 178th position on the human development index and State institutions are almost absent from the majority of the country's territory.

the President, José Mário Vaz, assuming office on 23 June 2014, and the Prime Minister, Domingos Simões Pereira, sworn in on 4 July 2014. However, tensions between the President and the Prime Minister culminated in the dismissal, by the President, of the entire Government on 13 August 2015, with immediate effect. On 20 August, the President issued a decree appointing Baciro Dja as the new Prime Minister. The dismissal of the Prime Minister and the appointment of a new one were contested by PAIGC, which possesses an absolute majority in the National Assembly.

7. The presidential decree appointing Mr. Dja was challenged before the Supreme Court of Justice. In a move deemed unprecedented by many of the interlocutors of the Special Rapporteur, the Supreme Court declared the decree unconstitutional on 9 September 2015, thus ruling that the political party that had won the elections had the right to choose the Prime Minister and that the President could not veto that decision. The President abided by the decision. An agreement was reached and Carlos Correia was sworn in as Prime Minister on 17 September 2015.

8. When the Special Rapporteur arrived in the country, no Government had yet been appointed. Amid tensions between the President and the new Prime Minister, a new Government was announced on 13 October, just in time for the Special Rapporteur to meet with the Minister of Justice.

III. Justice system

A. Constitutional provisions

9. The current Constitution of Guinea-Bissau was adopted on 16 May 1984 and amended five times between 1991 and 1996. It recognizes the principle of separation of powers in article 59, paragraph 2.

10. The judicial authority is regulated by chapter VII of Title III, entitled "Judicial power". The independence of the tribunals is protected in article 120, paragraph 4, and the independence of judges in article 123, paragraph 2. The Supreme Court of Justice is established as the apex tribunal in the country; its judges are appointed by the Superior Council of the Judiciary and sworn in by the President (art. 120, paras. 1 and 2). Special tribunals are explicitly prohibited, with the exception of military tribunals and administrative, tax and audit tribunals (art. 121, paras. 1 and 2). The Constitution also allows for the creation of tribunals to settle "social disputes", whether civil or criminal (art. 122).

11. The Constitution establishes the Superior Council of the Judiciary as the body in charge of the management of the career of judges, including appointment, placement, transfer, promotion, disciplinary action and dismissal (arts. 120, para. 5, and 123, para. 4). Article 125 of the Constitution also defines the role of the Public Ministry as the body in charge of representing public and social interests and exercising criminal action, and sets its hierarchical structure under the direction of the Attorney General, who is appointed and dismissed by the President (arts. 68 (p) and 125, para. 3).

12. Finally, the Constitution guarantees a selected set of fundamental rights under Title I, on fundamental principles, and Title II, on fundamental rights, freedoms, guarantees and duties. This set includes the rights to equality before the law and to seek redress before the tribunals, as well as due process and fair trial guarantees. Article 29 also explicitly stipulates that fundamental rights enshrined in the Constitution do not exclude any other rights included in either national or international law and must be interpreted in accordance with the Universal Declaration of Human Rights.

B. Legal framework

13. Guinea-Bissau is governed by a mixed legal system of civil law, which incorporated Portuguese law at independence and was influenced by early French civil code and customary law. Some of the most important pieces of legislation of significance to the mandate of the Special Rapporteur are listed in the present section.

14. Along with the relevant constitutional provisions, the courts and the judiciary are regulated by Organic Law No. 3/2002 on tribunals, as revised by Law No. 6/2011; Law No. 7/2010 on the regulation of the Organic Law on tribunals; Decree-Law No. 6/93, setting out the Organic Law on sector tribunals and the statute of judge-presidents of sector tribunals; and Decree-Law No. 7/92 on the Court of Accounts. The statute and career of judges, as well as the organization and functioning of the Superior Council of the Judiciary, are set out in Law No. 9/95 on the Statute of Judicial Magistrates. Military tribunals are governed by Law No. 2/78 on military justice and the Code of Military Justice.

15. Public prosecution is regulated by Organic Law No. 7/95 on the Public Ministry and Law No. 8/2011 on the organization of criminal investigation; the statute and career of prosecutors and the organization and functioning of a Superior Council of Magistrates of the Public Ministry are set out in the Statute of Magistrates of the Public Ministry (Law No. 8/95).

16. The independent exercise of the profession of lawyer is protected under article 72 of the Organic Law on tribunals; the rights and duties of lawyers are further clarified in the Statutes of the bar association of Guinea-Bissau of 1991. The legal framework is further completed by the Criminal Code, the Civil Code, the Criminal Procedure Code and the Civil Procedure Code.

17. At the international level, Guinea-Bissau is party to most international human rights treaties, including the International Covenant on Civil and Political Rights, but not to the Rome Statute of the International Criminal Court. At the regional level, Guinea-Bissau has ratified the African Charter on Human and Peoples' Rights, but not the Protocol on the Establishment of an African Court on Human and Peoples' Rights. Guinea-Bissau is also subject to the authority of the Court of Justice of the Economic Community of West African States (ECOWAS), which has jurisdiction, among others, to determine cases of violation of human rights that occur in any member State.

C. Court structure

18. The court structure in Guinea-Bissau is essentially set out in the organic laws on tribunals and on sector tribunals. It is organized around regions and sectors, which correspond to the political-administrative division of the country. The Special Rapporteur notes with great concern that many tribunals envisioned in the legislation have not been set up or are not operational owing to the lack of adequate infrastructure and financial and other resources. As a result, there are regions in the country where there is simply no tribunal that people can resort to.

Supreme Court of Justice

19. The Supreme Court of Justice is established in the Constitution and is regulated by the Organic Law on tribunals. It is the highest appeal tribunal in the country, but also has the final authority on the interpretation of the Constitution and the constitutionality of laws. It functions under the direction of a president, who is elected by his or her peers for a mandate of four years, renewable once. At the time of the visit, it was composed of nine judges. The Court consists of the plenary and three chambers for civil, criminal, and social

and administrative matters. Each chamber is also headed by a president, who is the most senior judge.

20. Supreme Court judges are appointed by the Superior Council of the Judiciary after a publicly advertised competitive selection process and sworn in by the President of the Republic. Their irremovability until reaching retirement age is recognized in the law and they are not liable for their judgments and decisions. The Superior Council of the Judiciary is the only body competent to bring disciplinary actions against judges and dismiss them.

Court of Appeal

21. The Organic Law on tribunals establishes tribunals of second instance referred to as circuit tribunals and defines their functioning and competence. Circuit tribunal judges are appointed by the Superior Council of the Judiciary after a publicly advertised competitive selection process and their irremovability until reaching retirement age is recognized in the law. The Council is the organ competent to bring disciplinary actions against them and dismiss them.

22. According to the information available to the Special Rapporteur, only one such tribunal currently exists in the country, the Court of Appeal of Bissau, the jurisdiction of which extends to the whole territory of the State, not only the circuit of Bissau.

Regional tribunals

23. Regional tribunals are set out in the Organic Law on tribunals as first instance tribunals. They can be composed of one judge or three judges. Regional tribunals can be tribunals of general jurisdiction or specialized tribunals. Their respective competence is set out in the law. Judges are appointed by the Superior Council of the Judiciary on the basis of the results obtained during an initial training period.

24. At the time of writing, regional tribunals of general jurisdiction were operating in only five of the country's nine regions: Bissau; Bafatá; Gabú; Oio; and Quínara, which re-opened in March 2014 after three years of inactivity. As a result, the jurisdiction of the regional tribunal of Oio extends over the region of Cacheu, that of the tribunal of Quínara over the regions of Tombali and Bolama-Bijagós, and that of the tribunal of Bissau over the region of Biombo.

25. The Organic Law on tribunals also provides for the following first instance tribunals with specialized jurisdiction: civil tribunals; criminal tribunals; family and juvenile tribunals; labour tribunals; administrative tribunals; commercial tribunals; and maritime tribunals. According to the information provided to the Special Rapporteur, no such specialized tribunal has been set up to date. The organic law further establishes a tribunal for the execution of sentences, the organization and functioning of which are set out in Law No. 7/2011.

Sector tribunals

26. At the beginning of the 1990s, in an effort to facilitate people's access to formal justice, the Government decided to create sector tribunals. The competence and functioning of these tribunals is regulated by Decree-Law No. 6/93. As stipulated explicitly in the decree-law, sector tribunals seek to administer justice in a simplified manner and on the basis of broad popular participation. They have limited jurisdiction over both civil and criminal matters.

27. Sector tribunals each consist of a judge-president and two advisors. The judge-president must be older than 25 years of age and preferably a law graduate; he or she is selected through a competition and appointed by the judge of the regional tribunal whose

territorial jurisdiction covers the location of the sector tribunal concerned. Advisors are citizens of more than 30 years of age who must have been residing for at least three years in the territory under the jurisdiction of the sector tribunal concerned. They are summoned for every hearing.

28. According to the information provided to the Special Rapporteur, only 22 sector tribunals of 47 are currently operational. There are no functioning sector tribunals in the regions of Quínara and Bolama-Bijagós.

Specialized tribunals

29. Military tribunals are enshrined in the Constitution, which gives them jurisdiction over crimes that are "essentially military" (art. 121, para. 2 (a)). The organization and functioning of military tribunals are regulated by the law on military justice and the Code of Military Justice of 1924, inherited from the former colonizer. There are two levels of military tribunals: the Superior Military Tribunal, composed of five judges nominated by the State Council, and regional military tribunals, composed of five judges nominated by the executive branch. At the time of writing, the only functioning military regional tribunal was located in Bissau.

30. The Court of Accounts was established by Decree-Law No. 7/92 as an independent organ for the oversight of the legality of public expenditure. The powers of that court and the statute of its judges are defined in the decree-law. The court is composed of four judge-counsellors, a number that is deemed insufficient to respond to all the demands and applications.

IV. Challenges to the independence and impartiality of the judiciary and the proper administration of justice

A. Legislative challenges

31. It is the Special Rapporteur's belief that the major issues faced by Guinea-Bissau in the area of justice are not normative; rather, they lie in the deficient or even absent implementation of existing domestic and international provisions. For instance, the laws on domestic violence or female genital mutilation, which were adopted in an effort to incorporate international human rights obligations into the domestic legal apparatus, have to date not been enforced appropriately.

32. This does not mean that constitutional and legislative revisions are not timely and necessary, especially considering that some laws were adopted before independence. Moreover, laws such as the Labour Code of 1961, the Civil Code of 1966 or the Code of Military Justice of 1924 have to be reviewed not only because the political situation of the country has changed, but also because in 50 years societies have gone through major developments that require the law's attention.

33. With many legislative gaps and provisions that are too vague and/or contradictory, it is very difficult for judges to fairly apply and interpret the law. It is also essential to bear in mind that in most instances legal rules have to be respected and applied by citizens and various State agents who are not law graduates. In addition, the Special Rapporteur notes with great concern that laws are written and published exclusively in Portuguese, a language that is spoken and used by only slightly more than 10 per cent of the population. Also, it is difficult to have access to copies of laws, most of which are not available in electronic format and on a public platform. In addition, the illiteracy rate is high. Many

people are therefore de facto excluded from knowing their rights and what behaviours are prohibited.

34. The Special Rapporteur believes that a careful analysis of a large number of constitutional provisions in the light of the State's international human rights obligations is indeed necessary. Such constitutional revision was already recommended by the Heads of State and Government of ECOWAS at the end of its Extraordinary Summit held in Dakar in September 2015. A parliamentary commission for constitutional revision has already been set up, but the scope of its mandate remains unclear.

B. Independence and impartiality of the judiciary

35. The Constitution of Guinea-Bissau provides that tribunals are sovereign organs with competence to administer justice on behalf of the people (art. 119), and protects the independence of the tribunals and of judges (arts. 120, para. 4 and 123, para. 2, respectively). According to the Organic Law on tribunals, such independence includes full autonomy regarding administrative, financial and disciplinary matters. The Superior Council of the Judiciary is in charge of the administration of judges' careers, including appointments, transfers and promotions, and disciplinary action.

36. The composition of the Superior Council is problematic, however, as out of a total of 15 members, only 5 are judges. The other members consist of three persons designated by the President, six persons designated by the National Assembly and one court official elected by his or her peers. As it stands, the Superior Council is vulnerable to political manipulation and interference, thereby jeopardizing the independence of judges. Such a body should preferably be composed of a majority of judges, and political representation should not be allowed.

37. The constitutional and statutory guarantees of independence have not prevented judges from suffering external and undue interference, pressure, intimidation and threats, in particular from members of the executive branch, the armed forces or other high-ranking State officials, often linked to organized crime. Yet, despite the fact that physical security is an essential condition for judges to carry out their duties independently and impartially, there is no institutionalized protection mechanism. The Special Rapporteur is also concerned that judicial decisions, such as summonses or sentences, are not always complied with or enforced by the relevant authorities.

38. Beyond independence, judges are required to be impartial and appear impartial to a reasonable observer. In this context, the Special Rapporteur is concerned about reported conflicts of interest involving judges, in particular conflicts related to judges' personal relationships with plaintiffs or defendants. As noted in the Bangalore Principles of Judicial Conduct, judges should avoid situations that might reasonably give rise to suspicion or appearance of favouritism or partiality.

39. It is important to bear in mind that the requirements of independence and impartiality are not aimed at benefiting the judges themselves, but rather the court users, as part of their inalienable right to a fair trial. Therefore, ensuring the integrity and accountability of judges through fair and impartial disciplinary procedures is an essential aspect of protecting the independence and impartiality of the justice system. In this context, it is problematic that, while the Statute of Judicial Magistrates includes some provisions on the duties, incompatibilities, rights and privileges of judges, there is no code of conduct providing detailed guidance to the judiciary.

40. The Special Rapporteur is also concerned that judges' accountability is not enforced adequately. As a result, some judges stay in their position despite inappropriate behaviour.

The reported lack of inspection of the work of judges also contributes to allowing poor or even prohibited behaviour to continue.

41. While relatively well protected in the laws, the independence of the judiciary does not seem to be effective in practice, at least not in some of the circumstances described in the present report.

C. Financial and material resources

42. The financial and material deficits of the judicial branch are many and prevent a prompt and adequate delivery of justice. Most tribunals do not have acceptable premises. Some tribunals are not functioning because they simply do not have offices, while others are housed in buildings rented from private owners. When the rent is not paid on time, tribunals are simply closed. Buildings are also often too small for the proper functioning of a tribunal: judges have to share their offices with prosecutors and other court officials; there are no hearing rooms; and there is no detention room in which to keep the accused. Sometimes electricity is also lacking. In some tribunals in the regions, judges and prosecutors also have to live on the tribunal's premises. Such housing conditions do not transmit the weight and solemnity of justice. The perception of judges' independence, including their independence from the other actors of the justice system, is also affected.

43. During the visit, new headquarters were being built through a Chinese cooperation programme for the Supreme Court of Justice and other higher instance tribunals. Concerns were raised that nothing was planned for the lower tribunals, which function in the most dreadful conditions and yet are the first contact for court users.

44. Judges also have to work with severely limited material resources. They do not have enough computers, printers, toner, paper and other basic office supplies. Neither do they have service vehicles, and often have to rely on the goodwill of members of the public for transport. Staff supporting their work lack qualifications and training. Furthermore, judges' salaries are relatively low and do not reflect the importance of the position and the obligations that come with it. The Special Rapporteur was informed that the National Assembly would address that issue at its next session.

45. Such conditions of work not only provoke serious delays in the delivery of justice and undermine its quality, but also affect the independence and dignity of judges, who find themselves extremely vulnerable to corruption and many types of external pressure and interference, and the confidence and respect of court users.

46. The budget allocated to the tribunals seems rather insufficient. While tribunals have financial autonomy in principle, such autonomy is not clearly implemented in practice, leaving the justice system dependent on political will. The Special Rapporteur is further concerned by the lack of transparency surrounding the sums generated by each tribunal from court fees and how such money is used. There is also no transparency regarding the amount of funds received from donors by the Government and the way such funds are being redistributed.

D. Prosecutorial services

47. The autonomy of prosecution services is protected under the Organic Law on the Public Ministry. Prosecutors are appointed through a publicly advertised competitive selection process by the Superior Council of Magistrates of the Public Ministry, which is also in charge of transfers, disciplinary measures and the overall administration of the prosecutorial career. Two new important requirements for entering the profession were

introduced in 2012, namely, to be a law graduate and to have successfully completed the training course for prosecutors taught at the National Judicial Training Centre.

48. There is no stand-alone code of conduct for prosecutors. References to ethics and professional duties are included in the Statute of Magistrates of the Public Ministry. While there have been cases of prosecutors facing disciplinary proceedings, the Special Rapporteur was told that the provisions of the Statute are not always enforced in practice, or they are enforced in an arbitrary way.

49. Prosecution services function under the direction of the Attorney General, who is also the President of the Superior Council of Magistrates of the Public Ministry. Under the current legislation, the Attorney General has the power to take over any prosecutorial process whenever he or she sees fit. Concerns were expressed to the Special Rapporteur, as there have reportedly been instances where this power was used to interfere in specific criminal procedures. Concerns were also expressed about the cumulative functions of the Attorney General. Regular inspections of the work of prosecutors by the Superior Council of Magistrates of the Public Ministry to increase their compliance with rules and policies, as well as the overall competence of their office, are also lacking.

50. One major issue affecting the independence and effectiveness of prosecution services is the instability surrounding the function of the Attorney General. The tenure of the Attorney General is not fixed in law, neither are objective criteria for his or her dismissal. Therefore, the President of the Republic can appoint and dismiss Attorneys General at any time and without providing any justification, leaving them particularly vulnerable to political interference. In the past five years, five Attorneys General were dismissed or asked to resign. The previous one was dismissed in November 2015, barely one month after the visit of the Special Rapporteur. To address this situation, the assembly of the association of prosecutors presented suggestions to the parliamentary commission on the revision of the Constitution, which included setting the tenure of the Attorney General at six years — thereby preventing the term from coinciding with the mandate of the President of the Republic — and clear grounds for dismissal.

51. Prosecution services also lack financial autonomy. Their budget is limited and, as a result, prosecutors work in difficult conditions. Like judges, they lack such resources as computers, phones, printers and ink, and means of transport. Their capacity to investigate crimes is therefore extremely restricted. Establishing statistics and extracting specific data, which could prove useful in guiding, refining or changing policies relating to prosecution and guidelines and in monitoring productivity, is also challenging, if not impossible. In addition, according to the Organic Law on tribunals, there must be a prosecutor everywhere there is a court, which is not the case in reality. In some remote places, working conditions are so difficult and discouraging that few prosecutors stay long enough to ensure stability in the provision of prosecution services.

52. In the investigation of crimes, prosecutors are assisted by a judicial police force. This force depends administratively on the Ministry of Justice, but works under the orders of the Public Ministry. While its competence extends over the whole territory, the judicial police is currently only present in Bissau. The force does not have enough police officers or vehicles, specific equipment or proper communication tools. Its headquarters and offices are inadequate and do not offer a secure working environment, and police officers lack training.

53. As there is no forensic laboratory in the country, prosecutors and judicial police officers cannot collect and analyse ballistic, DNA or other types of scientific evidence, therefore having to rely almost exclusively on witness-based evidence. They do not even have proper tools to collect and analyse fingerprints or tap telephones. The difficulties

facing investigative bodies are further compounded by the fact that there is no witness protection programme.

54. The Special Rapporteur is particularly concerned about reports of strong pressure, threats, including death threats, harassment and intimidation exerted against members of prosecution services and the judicial police, in particular by members of the military or other police forces, to deter them from investigating and prosecuting certain cases, especially cases linked to members of the Government or the National Assembly. There is no protection mechanism to ensure the security of prosecutors, judicial police agents or their families. As one person noted, under these circumstances it is not easy to be courageous.

E. Lawyers

55. While lawyers are not expected to be impartial in the same way as judges, their independence must not only be respected, but also actively protected. The legal profession plays a vital role in ensuring the fair administration of justice, hence, it cannot be treated as a simple business, either by public institutions or lawyers themselves.

56. In Guinea-Bissau, a national bar association was established in 1991 and is officially recognized by the authorities. The association currently has more than 300 members, and its attributions, competences, structure and organs, as well as the requirements for becoming a member, are defined in its founding document, the Statutes of the bar association of Guinea-Bissau. The conditions and criteria of admission to the legal profession are nevertheless not clearly established in national legislation and there is no compulsory uniform bar examination, resulting in significant disparities in competence among lawyers. The association is reportedly working with the National Judicial Training Centre on setting up such a bar examination.

57. Lawyers have the duty to conduct themselves in accordance with the recognized standards and ethics of the profession. Yet there is no comprehensive code of conduct. The Statutes of the bar association dedicates a chapter to professional ethics, which includes references to both the rights and duties of lawyers who are members of the association, but this is insufficient, in the opinion of the Special Rapporteur. The association has exclusive competence to take disciplinary measures against its members for any action or omission in breach of the duties set out in the Statutes.

58. The bar association is working on a draft organic law on the legal profession together with a code of conduct. The Special Rapporteur welcomes that initiative and urges the association to take a clear and strong stance on professional ethics and misconduct. Once in place, the new code of conduct should be duly enforced through disciplinary procedures clearly established in the law and that respect international standards on the matter, including the Basic Principles on the Role of Lawyers.

59. Lawyers also need better access — or access at all — to continuing legal training, including on international human rights law. Adequate training opportunities are essential to enable lawyers to keep abreast of legislative developments and new technologies and to acquire specialized knowledge, thereby improving the quality of the services they provide. In particular, the provision of quality training on professional ethics will be indispensable in the implementation of the future code of conduct.

60. The Special Rapporteur was concerned by reports of intimidation, persecution and attacks against lawyers, including by the police and the armed forces, for discharging their professional functions, in particular when they defend military or political figures or other persons deemed controversial. International standards clearly indicate that in performing their duties lawyers should not be identified with their clients or their clients' causes.

Defence lawyers play a central part in the chain of justice, especially when it comes to ensuring the right of everyone to a fair trial. In most cases, lawyers do not know who to turn to for protection.

61. Lawyers also face difficulties in their daily work. For instance, they do not always have access to detainees, or only during family visiting hours, their work is stalled by legal or administrative procedures that are not completed in a timely fashion, or they are not given prior notice when hearings are held or cancelled. These difficulties are often compounded when the lawyer is a woman.

62. Finally, the absence of lawyers outside of Bissau is highly concerning. Given the essential role played by lawyers in the justice system and in ensuring a fair trial for defendants, such absence is extremely problematic. The bar association is developing a project to establish "antenna desks" in several regions, to be staffed on the basis of a system of shifts. This initiative must be supported, and incentives provided to ensure wide participation of lawyers, as it would contribute to improving access to justice.

F. Fair trial and due process guarantees

63. Judicial guarantees are enshrined in the great majority of constitutional texts and human rights instruments to ensure that individuals have access to competent, independent and impartial tribunals for the settlement of their disputes and for the determination and enforcement of their rights, and when they stand accused of breaching the law. Guinea-Bissau is no exception: the Constitution and legislation guarantee due process of law and fair trial.

64. Fair trial is not the product of voluntarism though. It requires independent judges, prosecutors and lawyers working in an environment governed by the rule of law. As noted in the preceding sections, the difficulties and obstacles faced by judges, prosecutors and lawyers in carrying out their professional duties are countless. Under such circumstances it is evident that respect for due process and fair trial guarantees is negatively affected. In particular, proceedings are frequently delayed beyond what is acceptable, often amounting to a denial of justice. Such delays seriously affect the credibility of the justice system.

65. Difficulties in ensuring due process and fair trial especially affect criminal justice. For instance, the Criminal Procedure Code provides that arrests are limited to 48 hours, yet the lack of resources and of personnel prevents any investigation from being conducted within such short periods of time. As a result, suspects are either deprived of their liberty for longer than is legal or they are released, a situation that is difficult for the population to understand.

66. There is also no institutionalized legal assistance programme for those lacking resources to hire a lawyer. Upon request, legal assistance is provided in criminal cases by the bar association under a protocol signed with the Government. However, the process is slow and not always successful, since the State does not pay financial compensation to lawyers for the services provided or even cover their costs.

G. Military justice

67. During the visit, many interlocutors strongly criticized the country's military justice system, stating that it lacked independence, impartiality and competence, as well as accountability procedures. They also reported recurrent clashes of jurisdiction between military and civilian tribunals, which often delayed proceedings. Like the ordinary court system, military tribunals suffer from a serious lack of financial and material resources.

68. Judges of the Superior Military Tribunal and the regional military tribunals are appointed by the executive branch. This selection process is problematic, because it opens the door to interference and manipulation. In addition, as judges are members of the armed forces, issues related to military hierarchy further complicate their independence. The tribunals are also functionally dependent on the General Staff of the Armed Forces. Additionally, despite claims to the contrary, not all military judges have a law degree. In this regard, the Special Rapporteur heard serious complaints about the lack of competence of military judges and the difficulties they face in applying important concepts of law and professional ethics. Moreover, the law does not guarantee the independence of military prosecutors, who can be arbitrarily dismissed. These features seriously jeopardize the independence of military tribunals and their ability to deliver fair and impartial justice.

69. The Constitution limits the jurisdiction of military tribunals to crimes that are "essentially military", without defining those crimes. The main problem lies with the legal framework applying to military justice, which predates the Constitution and is seriously outdated. Under this framework, the jurisdiction *ratione materiae* of military courts extends well beyond what can reasonably be understood as a crime that is essentially military. Some military legal provisions, for instance, those which provide for the imposition of the death penalty or forced labour, are in direct contravention of constitutional rights.

70. Military law also allows the prosecution of civilians before military tribunals. Under international law, trials of civilians by military or special tribunals should be exceptional, i.e., they should be limited to cases where the State can show that resorting to such trials is necessary and justified by objective and serious reasons and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials.

71. In addition, military tribunals admittedly process cases outside of their competence. The Special Rapporteur was told that sometimes military tribunals threaten to send cases under their review to civilian courts as a way to push for what could be called an extrajudicial conciliation or settlement before the military jurisdiction. Where conflicts arise over the jurisdiction of tribunals, those conflicts should be brought for resolution before the civilian courts. It is not for the military judge or any party to a case to pick the jurisdiction before which a case should be brought, it is a matter of law. Finally, the administration of justice through military tribunals raises serious concerns in terms of access to justice and impunity for past human rights abuses.

72. Plans to revise the Code of Military Justice are reportedly under way. It is essential that the new code incorporates human rights standards and principles relating to the administration of justice, such as the right to a fair trial and the principle of equality before the courts, as these apply fully to military tribunals. In particular, the reform of military justice should urgently address issues related to independence, impartiality and competence. Military judges must receive adequate legal education and opportunities for continuing training and capacity-building.

H. Impunity

73. The political and military instability in Guinea-Bissau, the subsequent numerous presidential pardons and the amnesty law of 2008[2] largely contributed to the culture of impunity that prevails in the country. It is clear that none of these amnesty measures

[2] The amnesty law, approved by the National Assembly on 13 December 2007 and signed by the President on 18 April 2008, covers anyone involved in coups d'état between November 1980 and October 2004.

effectively prevented further coups d'état, political assassinations, military unrest and instability.

74. Even serious incidents that are not covered by pardons or the amnesty law are rarely investigated, let alone brought to justice. For instance, investigations into the 2009 assassinations of former President João Bernardo Vieira, former Minister of Defence Hélder Proença and a former Member of Parliament, Baciro Dabó, and the 2011 disappearance of a Member of Parliament were initiated but not finalized. The investigation into the 2009 assassination of former Chief of the General Staff General Batista Tagme Na Waie was finalized and three suspects charged, but the trial has yet to start. Furthermore, serious human rights violations, including the abduction and beating of opposition politicians, the extrajudicial killing of 11 men accused of plotting a counter-coup, arbitrary detention and limitations on the freedoms of expression and peaceful assembly that marred the 2012-2014 transitional period have not been adequately investigated.

75. Far from contributing to national reconciliation, amnesty measures have negatively affected the credibility of the justice system and the population's perception of its independence. Impunity for serious human rights violations and other politically motivated crimes has also had far reaching consequences on people's attitude towards the law and the formal justice system. The common perception is that violating the law does not really have consequences.

76. In July 2013, the first conference on impunity, justice and human rights was organized in Guinea-Bissau with the support of UNIOGBIS, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme (UNDP) and the ECOWAS Court of Justice. Authorities should thoroughly consider the key recommendations of that conference, as without a comprehensive approach that includes measures to uncover the truth, prosecute those responsible and design and enforce essential reforms to prevent the recurrence of such acts, there will be no viable reconciliation in the country.

77. Impunity is not limited to politically motivated crimes and violations directly related to situations of political unrest. For instance, few cases of forced marriage, female genital mutilation, sexual violence, child exploitation, domestic violence or drug trafficking are brought to justice. Positive efforts to carry out investigations into these crimes are often frustrated when the prosecution service does not promptly follow through and the suspects have time to leave the country. The fact that there still is no protection mechanism for victims and witnesses, despite the provision of the Criminal Procedure Code that requires the establishment of a support unit for victims and witnesses, does not encourage people to engage with the formal justice system. Fearing retaliation or even threats to their lives, victims and witnesses are reluctant to come forward.

I. Access to justice

78. Access to justice in Guinea-Bissau is out of reach for most people. The barriers for people to have access to the formal justice system are legion. As seen above, there are no functioning tribunals in many parts of the country. For the majority of the population, the distance to the closest tribunal proves insurmountable, since they do not have access to means of transportation. In some areas there are no police officers to whom a complaint can be presented. The imposition of court fees that are too high for the majority of the population — about 1.5 times the minimum salary — also discourages people from resorting to the tribunals. The fees can be waived, but in practice it is difficult to gather all the information necessary to prove indigence. The fact that some people lack legal identity because their births were not officially registered can also represent a major obstacle.

79. Additionally, many Bissau-Guineans are not educated about their rights, the recourses at their disposal and how to access them. Access to information in a language they understand is extremely difficult for many, especially those living in remote areas, a difficulty which is compounded by high illiteracy rates. Yet, as someone indicated to the Special Rapporteur, informing the population about their rights will be pointless if there are no tribunals to enforce those rights. Any measures to improve access to justice will have to be developed in an integrated way.

80. Article 32 of the Constitution states that all citizens have the right to access the courts to seek redress for violations of their rights and that this right cannot be denied on economic grounds. However, as seen above, legal assistance operates inefficiently and is unable to meet the real difficulties faced by citizens in accessing justice. Civil society, through its various associations and organizations, whose members are mainly volunteers, plays an admirable role in improving access to information and sensitizing and educating people about their rights. However, civil society cannot be asked to take on responsibilities that are ultimately incumbent on the State.

81. In an effort to address such serious barriers to accessing justice, the Government adopted Decree-Law No. 11/2010 to provide a legal framework for legal aid. Soon after, it adopted Decree No. 11/2011, creating the office of legal information and advice and centres of access to justice. The centres offer legal information and consultation services; they also provide mediation and conciliation services, assist people who have problems with the police, and orient people on how to access the formal justice system. In some cases, the centres help victims prepare claims, accompany them to court and submit requests for exemption of court fees. They also visit schools to talk to children and their parents. The centres try to focus particular attention on vulnerable persons, such as persons deprived of liberty, women, children, and persons with disabilities. They work in close coordination with civil society organizations and the bar association.

82. There are currently two centres of access to justice in Bissau, one in Bafatá, one in Canchungo and one in Mansoa. More centres are needed, as are more personnel, material resources and training opportunities for staff. Although it is a joint project between the Ministry of Justice and UNDP, the programme is entirely dependent on the financial and technical support of UNDP. The authorities have to date not been able, or willing, to substitute UNDP in financing any part of the project. There are serious concerns about what will happen to the centres once UNDP decides to end its support. A project proposal for the functioning of the centres was reportedly submitted to the Ministry of Justice, which forwarded it to the Ministry of Finance, where it was rejected. The apparent lack of interest of the Government in such an important endeavour is of high concern to the Special Rapporteur. Moreover, she notes that the creation of the centres of access to justice seems to be one of the only concrete measures taken to implement Decree-Law 11/2010, and this is simply not sufficient.

J. Informal justice systems

83. Recourse to community and religious leaders to settle disputes is deeply rooted in the culture and traditions of Guinea-Bissau. The "justice" system established during colonization, which consisted of administrative police and ad hoc tribunals that served as organs of repression under the command of the colonial capital, has left pervasive traces in people's minds. This historical lack of trust in the judicial authorities is compounded by the current dire state of the formal justice system, which is unable to deliver justice to most of the population.

84. While accurate data is unavailable, it is clear that few people resort to the formal justice system. As seen in the section above, in many places justice is not accessible,

leaving ample room for community and religious leaders to continue to exercise their power without competition. Traditional leaders take advantage of the gap left by the absence of State agents. They also represent an alternative that is more attractive than the formal justice system. Indeed, they are perceived by most as providing quicker and less expensive remedies, which are more in accordance with the specific cultural, religious or other traditional values and beliefs of the community and therefore more acceptable.

85. Nevertheless, the Special Rapporteur is concerned about some characteristics of the enforcement of such "traditional justice", in particular regarding the treatment of women (very few leaders are women), children and other vulnerable persons. Many traditions and customs are in contradiction not only with international human rights standards, but also with the State's own constitution and laws. Traditional leaders' decisions also depend largely on the circumstances of a case and how leaders interpret those circumstances, allowing for a substantial level of discretion.

86. There have been attempts at engaging with traditional leaders and familiarizing them with the content of positive law and fundamental rights, but those attempts are not generalized. Many leaders have also expressed some level of resistance to human rights discourse.

87. Traditional leaders said they normally deal only with what they deem as simple cases or disputes, most related to inheritance or land ownership. They reportedly refer to the formal courts cases involving violence, the use of guns or knives, or important sums of money. Many interlocutors of the Special Rapporteur expressed serious doubt about such a claim. For instance, during the six months preceding the visit of the Special Rapporteur, not one case was referred to the regional tribunal of Bafatá by traditional leaders.

88. The Special Rapporteur agrees with the position of her predecessors, i.e., that decisions made through informal justice systems must meet a series of basic procedural and fair trial guarantees and conform to international human rights standards to be considered acceptable. In the context of Guinea-Bissau, solutions to reduce the influence of traditional leaders to the benefit of positive law and the courts will have to be considered comprehensively; they cannot be disassociated from the measures that are to be urgently taken to improve the quality, functioning and reach of the formal justice system.

K. Legal education, training and capacity-building

89. All stakeholders met during the visit agreed that high-quality legal education and professional training, including specialized training, for judges, prosecutors, lawyers and court officials are essential in order to ensure an independent, impartial and effective administration of justice. Many noted the existence of many challenges in this domain, in particular with regard to continuing professional training.

90. Guinea-Bissau has a faculty of law that was established in 1989 with the support of the Portuguese authorities, serving approximately 350 students. About 30 students graduate every year. The great majority of them join the judiciary, the Public Ministry or other institutions of the justice system. Some also establish themselves as lawyers. The faculty's curriculum covers the study of international law, including human rights law, during the second year of the programme. Many interlocutors acknowledged the good quality of the education provided by the faculty. The Special Rapporteur nevertheless notes that in order to maintain or even improve quality, support to the faculty should not stop. Regular assessments should be carried out to identify academic needs and gaps, and measures should be adopted to address those needs.

91. The National Judicial Training Centre was created in 2011 by Decree-Law No. 4/2011. Its mission is to carry out legal training and research and to disseminate

technical knowledge. According to the decree-law, successfully completing the Centre's initial training is a compulsory requirement to work in the justice sector, in particular as a judge, prosecutor, lawyer or bailiff. The Centre also offers continuing legal training, with special focus on legal procedures and practice, as well as human rights training.

92. The National Judicial Training Centre has been supported technically and financially by UNIOGBIS and UNDP. It constitutes a positive development that needs to be consolidated. The Centre's infrastructure does not provide for sufficient space, and material resources are also lacking; for instance, the Centre does not have a library or access to new technologies. The achievements reached through the Centre should be maintained and further reinforced with the implementation of a system of continuing legal education that will ensure that all the actors of the justice system are kept up to standard.

93. The National Judicial Training Centre recently received an official request from the military judicial authorities to organize specific training on the distinction between ordinary and military crimes. The Special Rapporteur believes that this request not only confirms the essential role that the Centre has played to date in the area of legal training, but also shows how much more the Centre must do. Specialization must be achieved in various fields that require it for justice to be competent and effective, such as transnational organized crime and drug trafficking, including money laundering issues, and juvenile justice.

94. Civil servants working for the courts and the Public Ministry are also in dire need of adequate and specialized training. Training on the registration, filing and archiving of cases, and computerization, among others, should be organized urgently.

V. Conclusions

95. In almost every meeting during the visit, the state of the justice system in Guinea-Bissau was described as "sad", "terrible" and "reflecting the situation of the country". Justice is distant from the people. The lack of tribunals, information, trust and education pushes most people to resort to traditional leaders to settle their disputes. Justice is expensive and the great majority of the population cannot afford its services. The quality of services delivered is not good. The treatment of cases does not always respect due process and judicial delays often amount to a denial of justice. Furthermore, judges, prosecutors, lawyers and court staff are not adequately trained to discharge their professional functions.

96. Justice is poor. The justice system lacks adequate facilities, including tribunals, investigation tools, detention cells and basic office supplies. The salaries of judges and prosecutors are not adequate. Justice is insecure. Without a protection mechanism, judges, prosecutors, judicial police agents and lawyers are left exposed to threats and pressures, and so are victims. Justice is also military, yet it should not be, at least not to the extent observed in Guinea-Bissau; this is so for many reasons, including the lack of independence, impartiality and competence of military tribunals. Any reform of this system will have to go hand in hand with a comprehensive reform of the defence sector.

97. Impunity is rampant, political instability is high and the crimes of the past are still to be addressed. The country is also left at the margins of the fight against transnational organized crime, whether in the form of human trafficking, weapons and drug smuggling or money laundering, among others, which today is global. Guinea-Bissau is therefore extremely vulnerable to the impact of such crimes on its economy, development and social fabric. Corruption is also widespread, including among actors in the justice system, although difficult to assess.

98. Despite the Special Rapporteur's daunting findings, it seems that the justice system has faced difficulties in getting and maintaining the authorities' attention. The lack of continuity and sustainability in the management of judicial institutions works against any reasonable plan to improve the system. More ad hoc or short-term interventions are needed, yet at the same time continuity and accountability are essential to allow for longer-term improvements and change. When designing reforms, it is important to look at the whole chain of justice, not only the judges, prosecutors and lawyers. Reform aspirations must be accompanied by short-term goals so as to generate tangible and visible results to help build people's confidence in the justice system. Progressive and sustainable processes should reinforce and expand those results.

99. The Government needs to accept its responsibilities. The United Nations and other organizations are not there to replace State authorities: the ultimate goal of joint programmes is that the State takes over to build on the results. In this context, it is important to underline that during the visit both the President and Prime Minister assured the Special Rapporteur of their commitment in the area of justice and the rule of law. Another positive note is the above-mentioned judgment of unconstitutionality issued by the Supreme Court of Justice, which was largely perceived as an indicator of the renewed independence of the Court from political power.

100. The task is monumental, but the Special Rapporteur refuses to accept the idea that improvements are not possible. Guinea-Bissau can count on a young generation of qualified legal and other professionals who are willing and able to work hard to improve the justice system if they are given the opportunity to do so. Non-governmental organizations and associations have demonstrated a well-articulated understanding of issues concerning the justice system from a human rights perspective. Their contributions should not be overlooked; rather, they should be put at the forefront of reform.

VI. Recommendations

101. The Special Rapporteur understands that, given the economic and development situation of Guinea-Bissau, in the short and medium term, many of the following recommendations can be put in place and implemented only with the close and continued technical and financial support of international donors and the United Nations system.

102. Urgent measures should be taken to establish and operationalize the tribunals and prosecution offices provided for in law. Judicial police outposts should be created. The presence of lawyers outside of Bissau should also be promoted.

103. Data should be gathered on the number of women in the judiciary, prosecution services and related professions so as to take adequate measures to improve their representation at all levels of the courts and the justice chain.

104. In the context of the constitutional revision envisaged by the National Assembly, a careful analysis of constitutional provisions against the international human rights obligations of Guinea-Bissau should be conducted. In particular, the revised Constitution must include a fixed mandate for the Attorney General, recognize the independence of the position and set out clear criteria for dismissal, as well as provisions strengthening the independence of justice and the rule of law. Such a constitutional review should be participative, allowing for in-depth discussions with all stakeholders, including members of the judiciary, the legal profession and civil society.

105. A comprehensive review of domestic legislation should be conducted to harmonize its content with the country's international obligations and to adapt legislation to present needs. In particular, legislation relating to military justice, the Civil Code, the Labour Code, the Criminal Code and the Criminal Procedure Code must be updated urgently.

106. All laws and regulations should be made easily accessible to the public. Important legislation should be translated into the Creole of Guinea-Bissau and other native languages.

107. Concrete measures should be taken to implement existing legislation, in particular the recent laws on domestic violence and female genital mutilation, as well as ratified international human rights instruments.

108. Judicial decisions and judgments, including summonses and detention orders, should be strictly executed.

109. The selection process and criteria of judges and prosecutors should be clearly established in law and should ensure that only candidates with the highest competence and expertise in law, including human rights law, are appointed. The process should be anonymous and conducted in writing by an independent body to ensure impartiality.

110. The composition of the Superior Council of the Judiciary should be revised to increase the representation of judges and reduce, or even exclude, representation from the executive and legislative branches.

111. A code of conduct for judges that is in line with the Bangalore Principles of Judicial Conduct should be adopted after proper consultation and strictly enforced.

112. All allegations of misconduct of judges, including corruption, should be properly investigated under previously set, clear and transparent rules. Disciplinary procedures should be conducted with full respect for international human rights standards, in particular due process of law and fair trial guarantees.

113. The budget allocated to the courts and prosecution services should be substantially increased to ensure that they have the financial resources to function properly. Judges' salaries should be clearly set in law.

114. The judiciary and the Public Ministry should be independent in terms of managing their financial resources. Yet they should be fully transparent on both the allocation and use of funds, including funds generated by court fees.

115. Courts, prosecution services and the judicial police should be located on premises that are acceptable, adequate and secure. They should be provided with the material resources that allow them to perform their tasks effectively.

116. As provided for in the respective laws, inspections of the work of judges and prosecutors should be conducted regularly with a view to improving efficiency and compliance with professional ethics.

117. A code of conduct for prosecutors that is in accordance with the Guidelines on the Role of Prosecutors should be adopted after proper consultation and strictly enforced.

118. All complaints of misconduct filed against prosecutors should be processed and investigated expeditiously under appropriate and previously set procedures. Disciplinary procedures should be conducted with full respect for international human rights standards, in particular due process of law and fair trial guarantees.

119. Forensic science should be urgently developed and modern investigation tools should be made available to investigative bodies.

120. The judicial police should receive adequate financial and material resources to function effectively.

121. Legislation that regulates the legal profession and guarantees its independence should be adopted after consultation with lawyers and representatives from the bar association; it should comply with relevant international human rights standards.

122. A programme to ensure the presence of lawyers outside of the capital should be urgently set up by the bar association. Incentives should be provided to lawyers who volunteer.

123. Measures should be taken to improve the competence and professionalism of lawyers, including the introduction of a compulsory standardized written bar examination as a requirement for admission to the legal profession.

124. A code of conduct for lawyers that is in line with the Basic Principles on the Role of Lawyers should be adopted by the bar association and strictly enforced.

125. Complaints about the professional conduct of lawyers should be processed expeditiously by the bar association under appropriate procedures that respect the right to a fair hearing.

126. Any pressure on, interference with, intimidation of, harassment of, or threats or attacks against judges, prosecutors, lawyers or other judicial actors should be investigated promptly and carefully and perpetrators held accountable.

127. After consultations with the actors of the justice system, an efficient mechanism should be put in place to ensure their protection and that of their families.

128. Priority should be given to establishing an adequate victim and witness protection programme.

129. An effective programme of free legal assistance for those lacking economic resources should be institutionalized and sufficient funds allocated. The bar association and its members should fully collaborate with such a programme, but it is essential that fair compensation be paid by the State for their services.

130. The requirements for the exemption of court fees in case of indigence should be clarified and simplified.

131. Concrete steps should be taken towards the establishment of a juvenile justice system; for instance, judges and prosecutors should be offered the opportunity to specialize in children's rights.

132. In an effort to break the culture of impunity, all serious human rights violations and politically motivated crimes must be investigated effectively and perpetrators must be prosecuted and sanctioned if found guilty.

133. The recommendations from the conference on impunity, justice and human rights should be considered seriously and a comprehensive programme detailing concrete steps to be taken should be devised.

134. Public awareness should be raised about the content of laws, their application, the rights they recognize and the obligations they entail, and on how to access the formal justice system. Public awareness strategies and tools should take into account the high illiteracy rate in the country and information should be made available in a language people understand.

135. **Centres of access to justice should be provided with more financial and material resources; more centres should be established in other regions of the country. The State should design a concrete plan to take over the funding of these centres from UNDP.**

136. **Efforts to familiarize and sensitize traditional leaders to domestic laws and international human rights obligations should continue and be reinforced.**

137. **Continuous legal education and professional training should be encouraged and more opportunities provided to judges, prosecutors, lawyers and other judicial actors. More specialized courses and trainings should be offered, including on how to combat transnational organized crime; for this purpose needs assessments should be conducted regularly. Training in human rights law should be compulsory for all judges, prosecutors and lawyers.**

138. **Staff working for the judiciary or public ministry should also be appropriately trained and have opportunities to develop their professional skills. For this purpose, support for the National Judicial Training Centre should be strengthened, including by providing the necessary financial and material resources.**